IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 11 OF 2006

IN

WRIT PETITION NO.2350 OF 2003

Mafatlal Group Staff Association .. Peitioner
(Org.Petitioner)

Versus

M/s. Navinon Limited & Ors. .. Respondents

Mr. Rajesh Gehani for the petitioner.

Mr. K.M.Naik i/b. S.P.Salkar for Respondents 1, 2 & 4.

CORAM: S.K.SHAH,J.

DATE : 7th July,2006.

P.C.

1. By this Petition, the contempt is alleged of the orders passed by this Court on 12.11.2003, 24.11.2003 and 10.12.2003 where the Court had directed the parties to maintain status quo on the basis of the statements given to the effect that the Respondents will not dispose of the assets of the Respondent No.1 pending disposal of the main complaint under Section 50 of the MRTU & PULP Act which was filed before the

Industrial Court, Mumbai, from which the Writ Petition arose where the aforesaid orders came to be passed. The allegation of the petitioners in the Petition is that even after such undertaking was given and the parties were directed to maintain status quo, the Respondents have disposed of number of shares and also the property at Vasai which is the immovable property.

2. The learned Counsel for the Respondents however pointed out that the Petitioner had filed at Exhibit "K" to the Writ Petition a list of assets included in the immovable property and not the shares. Therefore, he points out that the order was not concerned with the status quo of the shares. As regards the Vasai property, an affidavit has been filed specifically denying that theyhave created any right in respect of the Vasai property.

3. A perusal of Exhibit "K" annexed to the Petition indicates that they are all immovable properties included in the list of assets of Respondent No.1. There is no allegation in trespect of these properties that third right was created or property was sold. What is sold are the shares which are not included in the list of assets.

4. As such, no prima facie case is made out and,

therefore, the Contempt Petition is dismissed.

5. In respect of Notice of Motion No. 315 of 2006 taken out by the Petitioner is in respect of a complaint which the petitioner had alleged is a forged document by the Respondents. However, we are not concerned with that document at all as far as the Contempt Petition is concerned. Therefore, I do not find any merit in the Notice of Motion also. The Notice of Motion is, therefore, dismissed.

(S.K.SHAH,J.)